

2. I am a paralegal for the lead counsel in this action.
3. I am familiar with the status of the named plaintiffs and the other class members, including punitive plaintiffs who previously moved to be plaintiffs in this case, as part of my normal duties because these putative plaintiffs comprise the Members of the unincorporated association “Members of the Armed Forces for Liberty,” also a plaintiff to this litigation.
4. I therefore keep in regular contact with the plaintiffs and receive documents related to their adverse counselings, notices of discharge, and any other status or significant changes to records for each of their respective military branches.
5. Of the named plaintiffs:
 - a. Plaintiff Major Carley Gross’ religious accommodation denial remains on her online personnel records (Personal Records Display Application, or “PRDA”). Additionally, she is at minimum, six months behind her peers and has missed out on nearly 8 months of temporary duty (TDY) opportunities. She is unlikely to catch up and upgrade from co-pilot to Aircraft Commander before her Active-Duty Service Commitment expires in 2026.
 - b. Plaintiff Col. Karyn Christen was forced to retire at 28 years, rather than completing her contract and making it to 30 years in the Air Force. She has lost 730 points that translates to a loss of retirement pay that the Air Force has not offered to correct. Col. Christen was on track for wing command and Brigadier General as the #1 Colonel on her evaluations, only to have her tour curtailed by two years short after submitting a religious accommodation. Col. Christen’s career, retirement pay, and points remain uncorrected.
 - c. Plaintiff Major Ryan Madigan was placed on No Points No Pay status for 5 months, which was then followed by a 6-month period in which he was only able to participate minimally. He was formally grounded from flying and lost his qualification in the C-5, eliminating his role in the squadron. He will unlikely be able to promote to O-5 due to his lacking Officer Performance Reports as he was barred from doing his job. He has since submitted his resignation from the Air Force, which will take effect in July 2023.

- d. Plaintiff Staff Sergeant Steven Brown decided to not reenlist at the expiration of term of service (ETS) in December 2022. He was given a GOMOR for refusing the vaccine after his medical exemption was denied. Despite being out of the Army, this GOMOR remains permanently on his record and he has had to disclose this to several potential employers.
6. The 744 member plaintiffs come from all branches of the military departments (not the Coast Guard), composed of active duty, reserves, and National Guardsmen: 426 are in the Air Force, 76 are in the Navy, 88 are Marines, 157 are in the Army, and 4 are members of the Space Force.
7. Of the 426 Air Force service members:
 - a. At least 23 have negative paperwork remaining on their records:
 - i. Major Gwilt's Individual Medical Readiness (IMR) report shows that he has a "Covid-19 Admin Refusal"—this was added on January 23, 2023, *after* the supposed rescission of the mandate in the NDAA. A servicemembers IMR indicates their medical readiness to deploy and/or attend training events, schools, etc.
 - b. At least 8 have negative paperwork resulting in loss of promotion:
 - i. Lt. Col. Walsh currently has two pieces of adverse action paperwork on his record: a Removal from Command and a Referral Officer Performance Report (OPR). The OPR is a permanent negative referral given as a result of his Removal of Command, which was due to his unvaccinated status. Despite being fast track for promotion to his current rank as Lt. Col., Plaintiff Walsh is almost a near-certainty to miss promotion to Colonel due to the lingering negative paperwork in his records.
 - ii. Lt. Monteleone was set to promote to Captain on February 21st after it was delayed due to receiving an LOR, however the Air Force has refused to promote him. His command states they have no idea when his paperwork will clear and when he'll be able to be promoted. At the time he was given his LOR, he was subject to biweekly Covid screening specifically because he was unvaccinated. He still has the

LOR, an Unfavorable Information File, and a Referral Officer Performance Report. Because of his delayed promotion and the negative paperwork in his file, his family is facing financial hardship and loss of pay, despite being expected to PCS soon. Lt. Monteleone has lost upwards of \$12,000 in Captains pay and will continue to lose \$1,300/month. He has continued to fall behind his peers due to his being unvaccinated.

- c. At least 2 have been moved to IRR with no indication of being brought back before their end of enlistment.
- d. At least 3 do not have their previous RILD orders rescinded.
- e. At least 3 have not been reimbursed for housing and storage expenses accrued from their PCS orders being cancelled mid-travel, due to their unvaccinated status.

8. Of the 76 Navy Plaintiffs:

- a. Plaintiff Zentgraf, upon his separation from the Navy, was given a JKQ separation code, which is “misconduct commission of a serious offense” and an RE:4 reenlistment code, making him ineligible to join any reserve or other branch due to his submission of a religious accommodation request and refusal to accept the vaccine.

9. Of the 157 Army Plaintiffs:

- a. At least 3 are still flagged and are unable to promote, attend schools, or advance in their careers.
- b. At least 3 still have lingering GOMORs on their records, which can prevent promotion, deployments, and other career advancing opportunities.

10. Of the 88 Marine Plaintiffs:

- a. At least 3 have page 11s stating that they failed to obey a lawful order by not receiving the Covid-19 vaccine. All three Marines stated that the damage done to their careers is irrevocable.

11. Of the 744 punitive plaintiffs, at least 50 have received negative paperwork for refusing to test in the form of LORs, LoCs, and other negative counselings for refusing biweekly testing of the unvaccinated.

12. Of the 744 punitive plaintiffs, approximately five have been discharged and/or separated since the start of litigation.
13. During the summer of 2022, prior to each particular service injunction being granted in federal courts, dozens of members of Members of plaintiffs across various services, were given the following options, frequently on five days notice: (1) report to medical to receive the shot; or (2) refuse to report to medical and be discharged involuntarily, and therefore lose retirement benefits, for either violation of Art. 92 or being deemed non-deployable; or (3) sign a request for *voluntary* retirement (a “Retirement in Lieu of Discharge” or other equivalent paperwork). Many still had Religious Accommodation Requests pending and were told the requests would be denied even before they were given the official denial or even were availed of the appeals process.
14. As a result, approximately 20 plaintiffs applied to and were “voluntarily” retired from the military through the course of litigation, ending their careers much earlier than intended.

I declare under penalty of perjury, under the laws of the United States that the foregoing statements are true and correct to the best of my knowledge.

Executed this 23rd day of March, 2023



Rachel Saran, Paralegal